IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 31ST AUGUST 2007 / 9TH BHADRA 1929

WP(C).No. 26278 of 2007(C)

PETITIONER:

DEPARTMENT OF SACRED MUSIC AND
COMMUNICATIONS, SCS CAMPUS, TIRUVALLA,
REPRESENTED BY ITS DIRECTOR, REV.SAJAN P.MATHEW.

BY ADV. SRI.RAMESH CHERIAN JOHN

RESPONDENTS:

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1. THE ASST.EXECUTIVE ENGINEER,
K.S.E.B., TIRUVALLA.

2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, PATHANAMTHITTA.

3. CHIEF ENGINEER, COMMERCIAL TAX AND
TARIFF, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

BY SRI.P.P.THAJUDEEN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 26278/2007

Dated this the 31st day of August, 2007

JUDGMENT

For the energy consumed petitioner was being charged under LT VI A tariff. By Ext.P6 that was changed and charges were levied under LT VII (A) tariff and that was followed by Ext.P7 Bill. The change in tariff was objected by the petitioner by Ext.P8. It is stated in Ext.P9 that the objection, filed by the petitioner, was forwarded to Deputy Chief Engineer, the second respondent, for orders. Finally the change in tariff was confirmed and the petitioner was charged under LT VII (A) and on that basis Ext.P14 demand notice was issued calling upon the petitioner to remit Rs.2,97,579/- (Two Lakhs Ninety seven thousand Five hundred and Seventy nine rupees). Notice also states that if the amount is not paid as directed, the power supply will be disconnected. Challenging the unilateral change in tariff and the consequential demand, this writ petition has been filed.

2. I heard the learned counsel for the petitioner

and the learned Standing Counsel for the respondents. Without entering into the merits of the controversy between the parties, I notice that Ext.P8 objection raised by the petitioner to the change in tariff has been decided by the first respondent without issuing notice to the petitioner or hearing them. That decision of the first respondent, therefore, is taken in violation of the principles of the natural justice. On that basis Ext.P9 has to be set aside and I do so.

3. Accordingly, the first respondent is directed to re-consider the matter taking into account the objections raised by the petitioner in Ext.P8 and after affording it an opportunity of hearing. Till a decision is so taken on Ext.P8, all further proceedings pursuant to Ext.P14 shall be kept in abeyance, on the petitioner remitting a sum of Rs.75,000/- (Seventy Five Thousand rupees) out of the amount demanded in Ext.P14. Such remittance shall be made within a period of two weeks from today and orders on Ext.P8 shall be passed within one month thereafter.

4. Petitioner shall produce a copy of this judgment before the first respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs